THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23617 OF 2005

Dt.14.11.2005

Between:

Meka Veera Pratap Chowdhary … Petitioner

And

Deputy Superintendent of Police, Kakinada,

East Godavari District and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home.

The petitioner seeks to issue writ of mandamus declaring the action of the respondents in locking up the premises bearing No.4-116 situated at West Kandrika Village, Kapileswarapuram Mandal, East Godavari District, in taking away the keys as illegal and arbitrary and consequently direct the respondents to hand over keys of the said premises.

Counter affidavit has been filed on behalf of the respondents stating that the petitioner himself lodged a complaint with the Sub Inspector of Police, Angara Police Station, East Godavari District on 10.6.2005 alleging that he has been running Nirmala Convent in West Kandrika Village and in view of the ownership dispute he has obtained

injunction from the competent court, but certain persons highhandedly trespassed into his convent and pulled down the name board of the convent and have thrown the household articles outside the house and threatened the petitioner and his family members with dire consequences and they have also committed theft of cell phone, school records, tape recorder etc. Basing on the above complaint, a case in Crime No.21 of 2005 under Sections 447, 427, 506(2) IPC and Section 379 read with Section 34 IPC on 10.6.2005 and investigation was taken up by the 3rd respondent by examining eight witnesses. In so far as the further allegation that the police have taken action against the said complainant, it is stated that they never demanded the petitioner to vacate the premises. It is further stated that the 2nd respondent never locked the premises and the keys are not with the police. The allegation of the petitioner that the 2nd respondent is not allowing him to run the convent is also denied.

Having regard to the facts and circumstances of the case, the respondents are directed not to interfere with the carrying of the said convent school by the petitioner in accordance with the orders of the Civil Court.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

14.11.2005

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